

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JERAD R. ANGLE,

Plaintiff,

v.

Case No. 2:18-cv-266
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura

CITY OF NEWARK, OHIO, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed his Complaint (ECF No. 1) on March 27, 2018, against Defendants City of Newark, Ohio; John/Jane Does 1-5; and others. On July 13, 2018, the Court ordered Plaintiff to show cause as to why this action should not be dismissed against the Doe Defendants for failure to timely effect service over the Doe Defendants pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 11.) As the Court explained in the July 13 Show Cause Order, pursuant to Rule 4(m):

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). To date, Plaintiff has failed to respond to the Court's Show Cause Order. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Defendants John/Jane Doe 1-5 pursuant to Rule 4(m) for failure to timely effect service.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE